IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 247 OF 2006
IN
WRIT PETITION NO. 3470 OF 2005

T.D.M. Engineers and others ..Appellants

V/s.

Shri P.D. Joshi and others ..Respondents

Mr.S.M. Paranjape for the Appellant
Mr.P.S. Moholkar for the Respondent no. 1 and 2

CORAM : J.N. PATEL &
A.A.SAYED, JJ

27TH AUGUST 2007.

P.C. :-

. The Appellant employer has come before this Court with a grievance that the learned Single Judge was not justified in passing the interim orders directing the employer to pay arrears of wages, retrenchment compensation, compensation for closure and all such dues on a hypothetical ground that the unit has declared closure. It is specifically contended before this Court that the unit is functioning and respondent

employees are not reporting for duty. This is strongly refuted by the Respondents.

2. If this is the case of the employer that the unit is not closed and is still functioning, there is no reason that this Court should interfere with the impugned order.

3. In so far as question of reporting on duty is concerned, the Respondent employees can be informed by the employer as to where they should report for duty and sign the muster roll for marking their attendance. On being given such a notice, the Respondent employees would accordingly attend the unit and mark their attendance. In so far as the dues, that the Learned Single Judge has directed the Respondents to deposit, that should be complied with within a period of four weeks. The Respondents would be at liberty to withdraw the amount as and when the same is deposited by the employer without furnishing any surety. The dues can be set of towards wages if it is ultimately held that the employees are not entitled for compensation for retrenchment/closure. With these observations, the appeal stand dismissed.

4. As we have dismissed the appeal, the Civil Application does not survive and stand dismissed.

(J.N.PATEL,J)

(A.A.SAYED,J)